

REVISIONS **ITEM 8-DISTRICT NUMBER CORRECTED.**
ITEM 11-PULLED PER CITY MANAGER.
ITEM 15-RECOMMENDED ACTION AMENDED
ITEM 31-CHANGED FROM CONSENT TO NON-CONSENT
ITEM 32-PULLED PER DIRECTOR OF AIRPORTS.

JULY 18 2006 AGENDA REPORTS

Agenda Item No. 5

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0732

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Water Distribution System in Santa Fe
Industrial Addition (south of Kellogg, east of Tyler)
(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner representing 100% of the improvement district.

Analysis: The project will extend a waterline to a tract of land owned by the Learjet Company that is not directly served by a public water line.

Financial Considerations: The Petition totals \$38,000. The funding source is special assessments.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving municipal water supply to an existing industrial plant. It also addresses the Economic Vitality and Affordable Living goal by providing needed infrastructure improvements for one of the City's larger employers.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Agenda Item No. 5b.

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0733

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Sanitary Sewer to serve Earhart School and the surrounding area (east and west of Arkansas Avenue, from south of 41st St. North to north of 43rd St. North (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On September 14, 2004, the City Council approved a petition to construct a sanitary sewer to serve Earhart School located on the west side of Arkansas Avenue at 43rd St. North. Because a gravity flow sewer main was not available, the design concept was to construct a force main that could only serve the School. Since that time, design work has begun on a gravity flow sewer main that will extend north along Arkansas Avenue from 37th Street North and can serve a much larger area and lower the cost for the School. The School District has submitted a new Petition that consolidates the assessment to their property with Sewer Utility funding. The signature on the petition represents 100% of the improvement district.

Analysis: Earhart School, which was recently expanded, is currently served by a private septic tank system. The new sanitary sewer main will also serve a residential area on the east side of Arkansas Avenue that submitted a lateral sanitary sewer petition that was approved by the City Council on February 7, 2006.

Financial Considerations: The existing Petition totals \$255,000 with the total paid by special assessments. The new Petition totals \$1,325,000 with \$75,000 assessed to the Earhart School property and the balance paid by the Sanitary Sewer Utility. The petitioned project on the east side of Arkansas Avenue will contribute an additional \$80,000 as main benefit fees. Additional main benefit fees will be collected in the future as lateral sanitary sewers are extended into the surrounding area.

Goal Impact: This project addresses the Efficient Infrastructure goal by extending sanitary sewer service to an area of the community currently served by private septic tank systems. It also addresses the Dynamic Core Area and Vibrant Neighborhoods Goal.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition, adopt the authorizing Resolution, adopt the Resolution authorizing revenue bonds, approve the notice of intent to issue revenue bonds and authorize the necessary signatures.

Agenda Item No. 8

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0734

TO: Mayor and City Council Members

SUBJECT: Lawrence Dumont Stadium – Architectural and Engineering
Services for Schematic Design of Improvements
(District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Contract.

Background: Lawrence Dumont Stadium is a historic baseball stadium and home to the Wichita Wranglers, an AA affiliate team for the Kansas City Royals and a member of the Texas League. The Stadium is one of the oldest facilities for professional baseball still in use in the United States, and its old-school charm as a sports venue plays an important role in the entertainment portion of the quality of life in Wichita.

Considerable work has been done over the years to update the stadium and keep it functionally current with the newer ballparks found elsewhere. The most recent such project was completed in 2002, but there is an ongoing need for additional work to be done in other areas of the facility as efforts continue to meet the needs of the both the players and the fans and to enhance their experience of participating in baseball at Lawrence Dumont Stadium.

Current priorities at Lawrence Dumont Stadium are focused on three particular needs.

- The artificial turf on the playing field is in need of replacement.
- The concessions stands are limited in their ability to prepare and serve food, and they need to be renovated to bring them up to current standards.
- The dugouts are too small and need to be enlarged to bring them up to current standards.

It is recommended the turf replacement be accomplished between the 2006 and 2007 baseball seasons. It is also desired that the concession stand and dugout modifications be accomplished between either the 2006 and 2007 seasons or between the 2007 and 2008 seasons, depending on

funding availability. However, before construction documents can be prepared, bids taken and the work contracted, a budget must be prepared to use in getting funds appropriated.

Analysis: On October 24, 2005, Purchasing issued RFP FP500082 – Architectural and Engineering Services for Schematic Design of Improvements at Lawrence Dumont Stadium. The Staff Screening and Selection Committee conducted interviews with the 3 respondents via teleconference. The 3 respondents were Schafer Johnson Cox and Frey, Kenneth Brown Architects, and Law Kingdon, Inc. Schafer Johnson Cox and Frey was selected as the most qualified consultant.

Schaefer Johnson Cox and Frey proposes to provide a Schematic Design and Construction Estimate in cooperation with City of Wichita Staff and Wichita Wrangler Staff to address the above issues for the contract amount of seventeen thousand, two hundred and fifty dollars, (\$17,250.00).

Financial Considerations: Funding for the Contract will come from the Enhanced Building Maintenance Fund (OCA 792310)

Goal Impact: Enhance Quality of Life

Legal Considerations: The Law Department has approved the Agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the Contract and authorize the necessary signatures.

Agenda Item No. 9

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0735

TO: Mayor and City Council Members

SUBJECT: Sale of Parcel at the Southeast Corner of Emporia and
1st Street (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the sale.

Background: On May 4, 2004, the City Council approved the marketing of the City-owned parcel at the southeast corner of Emporia and First Street as surplus property. This parcel contains 7,000 square feet and is improved as a surface parking lot. The lot has approximately 27 parking spaces.

Analysis: The property was marketed on the Internet and through information sent to the real estate community. The parcel is immediately north of an 11,600 square foot office building. The potential purchaser, Landmark Commercial Real Estate, is currently in the process of acquiring this building for use as their headquarters. They need additional parking to support this building. They have offered \$50,000 (\$7.14 per square foot) for the property. In addition, the buyer will be responsible for needed repairs to the lot. Repairs totaling between \$9,500 and \$19,000 were programmed for this lot this year.

Financial Considerations: The City will receive cash consideration for the sale of the property. Upon sale, the property will return to the tax rolls and the City will be relieved of maintenance responsibility.

Goal Impact: The proposed sale insures efficient infrastructure by optimizing public assets. As this parcel is surplus to the City's needs, the sale will provide a return of a portion of the City's investment.

Legal Considerations: The Law Department approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contracts; and authorize all necessary signatures.

Xxxxx

Agenda Item No. 11

(This Item was pulled from the Agenda

Agenda Item No. 12a

(Revised 7-14-2006)

CITY OF WICHITA
City Council Meeting
July 18, 2006

Agenda Report No. 06-0738

TO: Mayor and City Council Members

SUBJECT: Acquisition of Drainage Easement for the Pawnee, 119th Street West to
Maize Road Improvement Project (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the acquisition.

Background: On January 10, 2006, City Council approved a project to improve Pawnee Avenue from 119th Street West to Maize Road. The project will reconstruct Pawnee Avenue to four through lanes and with a median for turn lanes. In Addition, a new storm water sewer will be constructed. and available right-of-way will be landscaped. The storm water will drain easterly to a point at in Pawnee Prairie Park where an inlet will allow the water to drain into the Cowskin Creek.

Analysis: To accomplish this, accommodate the storm sewer, a permanent drainage easement would be must be created through the northwesterly part of Pawnee Prairie Park. A storm water line will be buried under within the surface and within an easement. An outlet just to the west of the creek is where the storm water would feed will be constructed to allow the storm water to feed into the Cowskin Creek. The easement would extends to the opposite side of the Cowskin Creek to protect the opposite bank with allow the installation of stone rip rap to protect the opposite bank. The affected parcel tract at the west end of the park, south side of Pawnee Avenue. It is titled to the Board of Park Commissioners. Pawnee Prairie Park property is located both north and south accessed from Tyler Road. The easement request was approved by the Park Board The Park Board approved the easement on June 12, 2006.

Financial Considerations: The funding source for the City share of the project is General Obligation Bonds and State monies are administered by the Kansas Department of Transportation. Costs associated with the construction of the storm water system will be paid out of the project. There is no cost to the City for the easement.

Goal Impact: The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

Legal Considerations: The Law Department has approved the contract easement as to form.

Recommendation/Action: It is recommended that the City Council approve the easement and authorize the necessary signatures.

Agenda Item No. 13

CITY OF WICHITA
City Council Meeting
July 18, 2006

Agenda Report # 06-0739

TO: Mayor and City Council Members

SUBJECT: Settlement of Claim

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize payment of \$20,000.00 as a full settlement of claims arising out of an automobile accident.

Background: On January 21, 2005, claimant was a passenger in a motor vehicle involved in an accident with a city employee; physical injuries are claimed as a result.

Analysis: After investigating the claim, evaluating the nature and extent of claimed injuries and damages, and considering the risks of trial, the City determined that a resolution of the matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$20,000.00 as full settlement of all claims of this claimant, arising out of the collision.

Financial Considerations: Funding for this settlement is from the City's Tort Liability Fund.

Goal Impact: Safe and Secure Community.

Legal Consideration: The Law Department recommends acceptance of the offer of settlement.

Recommendations/Actions: It is recommended that the City Council authorize payment of \$20,000.000 as full settlement of all possible claims regarding this individual arising out of the accident which is the subject of this claim.

Agenda Item No. 15

Revised July 17, 2006

Recommended Action

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report 06-0740

TO: Mayor and City Council
SUBJECT: 2007 Annual Operating Budget and 2006 Budget Revisions
INITIATED BY: Department of Finance
AGENDA: New Business

Recommendations: Set public hearing, authorize notice, and place the ordinances on first reading.

Background: The City Council has received the City Manager's Proposed 2007/2008 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

Analysis: The proposed 2007 annual operating budget is \$485,102,402 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$582,537,352. The inclusion of expendable trust funds, as required by law, is an additional \$59,752,780 for a total of \$642,290,132. The estimated mill levy for this budget would be 31.898 mills, no change from the levy for the current 2006 Adopted Budget.

The General Fund property tax levy is \$62,159,930 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$28,386,130 (including a delinquency allowance) and is estimated at 10.000 mills.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$7,459,120, of which \$6,579,910 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming a 2% increase in assessed valuation. Assuming a mill levy rate of 5.950 mills and a delinquency factor of 2.5%, the new valuation projections would result in \$579,210 revenue net of delinquency in fiscal year 2007 (2006 taxes levied). Factoring revenue from prior year delinquencies (\$12,070) and motor vehicle tax revenue (\$22,410) results in a total of \$613,690.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 8th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2007 Budget, it is requested that action be taken to amend the 2006 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$2,808,090 is due primarily to the \$987,500 funding for affordable air service, payments for prior year affordable airfare contracts that were shifted into 2006 due to timing differences (\$386,000) and increases in the budget for proposed incentives, to provide flexibility for opportunity uses of these funds.
2. The Special Alcohol Programs Fund increase of \$168,430 is due to increased revenues (from state transfers of liquor tax funds), which will allow additional drug and alcohol treatments programming to be funded. Expenditures from this fund are limited to this purpose by statute.
3. The Ice Rink Management Fund increase of \$160,220, based on projected increases in program activity at the Ice Rink. All increased expenditures are offset by increased revenue.
4. The Water Utility Fund increase of \$2,188,490 is due to accelerated replacement of the utility billing system (which also increases the charge to the Sewer Utility), higher debt service costs due to a larger-than-anticipated bond sale, and a larger inventory account. The inventory account will be significantly reduced at year-end as inventoried parts are charged to appropriate project accounts.
5. The Sewer Utility Fund increase of \$353,530 reflects the cumulative effect of several smaller increases, including higher utility costs, additional pump replacement parts, backflow preventers for areas of repeated sewer backups, and increased charges from the Water Utility.

Financial Considerations: Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

Goal Impact: The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

Legal Considerations: As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2007 Budget must be adopted by the City Council on August 8, and will be filed with the County Clerk by the statutory date of August 25.

Recommendation: It is recommended that the City Council set the public hearing on the proposed 2007 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2006 Budget for August 8, 2006; authorize publication of the formal public hearing notice; approve first reading of the general budget, TIF district, and SSMID ordinances; and set a maximum amount of taxes levied (\$90,546,060) based on an anticipated mill levy of 31.898 mills (no change from the current mill levy) and an estimated assessed valuation of \$2,838 billion.

Attachments:

Notice of budget hearing – Proposed budget 2007 Expenditures
Notice of budget hearing – Amending the 2006 Budget
Notice of budget hearing – Proposed budget 2007 Tax Increment Financing Funds (TIF)
Notice of budget hearing – Proposed budget 2007 Expenditures - SSMID
Ordinance – fixing general tax levy – City of Wichita
Ordinance – East Bank Redevelopment TIF
Ordinance – Old Town Redevelopment TIF
Ordinance – 21st and Grove Redevelopment TIF
Ordinance – Central and Hillside Redevelopment TIF
Ordinance – Old Town Cinema Redevelopment TIF
Ordinance – Gilbert and Mosley Site Redevelopment TIF
Ordinance – Northeast Industrial Corridor Redevelopment TIF
Ordinance – Fixing General Tax Levy - Downtown Wichita Self Supported Municipal Improvement District

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE EAST BANK REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the East Bank Redevelopment District under authority of K.S.A. 12-1770 *et seq.* of the State of Kansas; and,

WHEREAS, the City has by ordinance adopted a redevelopment plan for the East Bank Redevelopment District, the District being created in 1995; and,

WHEREAS, the City found that the conditions defined in K.S.A. 12-1770a of the State of Kansas did exist and therefore the increment in ad valorem taxes for the East Bank Redevelopment District is collected on a yearly basis as defined in K.S.A. 12-1770a(x) of the State of Kansas; and,

WHEREAS, the City has by ordinance removed property and reduced the District boundaries, the District boundaries being modified in 2002; and,

WHEREAS, the City has by ordinance expanded the District boundaries, the District boundaries being modified in 2004; and,

WHEREAS, the boundaries of the East Bank Redevelopment District are described in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget estimating \$772,240 of increment funds in ad valorem taxes from the East Bank Redevelopment District (the current boundaries of the District are described in Exhibit "A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby estimates the increment to be collected from ad valorem taxes produced from property located within the East Bank Redevelopment District at \$772,240 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of infrastructure improvements within the Redevelopment District as defined in K.S.A. 12-1770a(q), such costs being integral to the increased development and property valuation within

the District, incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part operation and maintenance expenses and other expenses relating directly to infrastructure improvements within the Redevelopment District. The increment set herein is estimated based on assessment of the value of properties as reported by the Sedgwick County Appraiser's Office.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment estimated to be produced from ad valorem taxes that are to be levied in the East Bank Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

EXHIBIT “A”

DESCRIPTION OF THE EAST BANK REDEVELOPMENT DISTRICT (TIF DISTRICT #3)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of Main Street and Kellogg Avenue, thence north on Main Street to the intersection of Main Street and Douglas Avenue, thence west on Douglas Avenue to the intersection of Douglas Avenue and Waco Street, thence north on Waco to the intersection of Waco Street and Greenway Boulevard, thence north on Greenway Boulevard to Central Avenue, thence west on Central Avenue to Seneca Street, thence south on Seneca Street to the intersection of Seneca Street and McLean Boulevard, thence south on McLean Boulevard to Kellogg Avenue, thence east on Kellogg Avenue to Main Street, being the point of beginning, plus an approximately five-acre parcel located at the southwest corner of Maple Street and McLean Boulevard.



THE EAST BANK REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING DISTRICT #3)

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE OLD TOWN REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the Old Town Redevelopment District under authority of K.S.A. 12-1770 *et seq.* of the State of Kansas; and,

WHEREAS, the City has by ordinance adopted a redevelopment plan for the Old Town Redevelopment District, the District being created in 1993; and,

WHEREAS, the City found that the conditions defined in K.S.A. 12-1770a of the State of Kansas did exist and therefore the increment in ad valorem taxes for the Old Town Redevelopment District is collected on a yearly basis as defined in K.S.A. 12-1770a(x) of the State of Kansas; and,

WHEREAS, the boundaries of the Old Town Redevelopment District are described in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget estimating \$637,680 of increment funds in ad valorem taxes from the Old Town Redevelopment District (the current boundaries of the District are described in Exhibit "A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby estimates the increment to be collected from ad valorem taxes produced from property located within the Old Town Redevelopment District at \$637,680 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of infrastructure improvements within the Redevelopment District as defined in K.S.A. 12-1770a(q), such costs being integral to the increased development and property valuation within the District, incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part operation and maintenance expenses and other expenses relating directly to infrastructure improvements within the Redevelopment District. The increment set herein is estimated based on assessment of the value of properties as reported by the Sedgwick County Appraiser's Office.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment estimated to be produced from ad valorem taxes that are to be levied in the Old Town Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

EXHIBIT “A”

DESCRIPTION OF THE OLD TOWN REDEVELOPMENT DISTRICT (TIF DISTRICT #4)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of 2nd Street North and Washington Avenue, thence south along the center line of Washington Avenue to the intersection of Washington Avenue and Douglas Avenue, thence west along the center line of Douglas Avenue to the intersection of Douglas Avenue and the Atchison, Topeka and Santa Fe Railway System, thence north along the center line of the Atchison, Topeka, and Santa Fe Railway System to the intersection of the Atchison, Topeka, and Santa Fe Railway System and 2nd Street North, thence east along the center line of 2nd Street North to the intersection of 2nd North and Washington Avenue, being the point of beginning.



THE OLD TOWN REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING DISTRICT #4)

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE 21ST AND GROVE REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the 21st and Grove Redevelopment District under authority of K.S.A. 12-1770 *et seq.* of the State of Kansas; and,

WHEREAS, the City has by ordinance adopted a redevelopment plan for the 21st and Grove Redevelopment District, the District being created in 1995; and,

WHEREAS, the City found that the conditions defined in K.S.A. 12-1770a of the State of Kansas did exist and therefore the increment in ad valorem taxes for the 21st and Grove Redevelopment District is collected on a yearly basis as defined in K.S.A. 12-1770a(x) of the State of Kansas; and,

WHEREAS, the City has by ordinance removed property and reduced the District boundaries, the District boundaries being modified in 2002; and,

WHEREAS, the boundaries of the 21st and Grove Redevelopment District are described in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget estimating \$94,230 of increment funds in ad valorem taxes from the 21st and Grove Redevelopment District (the current boundaries of the District are described in Exhibit "A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby estimates the increment to be collected from ad valorem taxes produced from property located within the 21st and Grove Redevelopment District at \$94,230 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of infrastructure improvements within the Redevelopment District as defined in K.S.A. 12-1770a(q), such costs being integral to the increased development and property valuation within the District, incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part operation and maintenance expenses and other expenses relating directly to infrastructure improvements within the Redevelopment District. The increment set

herein is estimated based on assessment of the value of properties as reported by the Sedgwick County Appraiser's Office.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment estimated to be produced from ad valorem taxes that are to be levied in the 21st and Grove Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

EXHIBIT “A”

DESCRIPTION OF THE 21ST AND GROVE REDEVELOPMENT DISTRICT (TIF DISTRICT #5)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of East 21st Street North and Grove Avenue thence south along the center line of Grove Avenue to the intersection of Grove Avenue and Stadium Avenue, thence west along the center line of Stadium Drive to the intersection of Stadium Drive and Madison Avenue, thence south along the center line of Madison Avenue to the point adjacent to the southeast corner of Lot 6 Block A in the J Walter Ross 2nd Addition on Stadium Drive, thence west to the center line of Piatt Avenue, thence north along the center line of Piatt Avenue to the intersection of Piatt Avenue and 21st Street North, thence east along the center line of 21st Street North to a point adjacent to the southwest corner of Lot 1 in the Logopedics Addition on 21st Street North, thence north to the center line of 25th Street North, thence east along the center line of 25th Street North to the point adjacent to the northeast corner of Reserve “C” in the Logopedics Addition, thence south to the center line of 21st Street North, thence east along the center line of 21st Street North to the point of beginning.



THE 21ST AND GROVE REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING DISTRICT #5)

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE CENTRAL AND HILLSIDE REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the Central and Hillside Redevelopment District under authority of K.S.A. 12-1770 *et seq.* of the State of Kansas; and,

WHEREAS, the City has by ordinance adopted a redevelopment plan for the Central and Hillside Redevelopment District, the District being created in 2001; and,

WHEREAS, the City found that the conditions defined in K.S.A. 12-1770a of the State of Kansas did exist and therefore the increment in ad valorem taxes for the Central and Hillside Redevelopment District is collected on a yearly basis as defined in K.S.A. 12-1770a(x) of the State of Kansas; and,

WHEREAS, the boundaries of the Central and Hillside Redevelopment District are described in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget estimating \$869,780 of increment funds in ad valorem taxes from the Central and Hillside Redevelopment District (the current boundaries of the District are described in Exhibit "A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby estimates the increment to be collected from ad valorem taxes produced from property located within the Central and Hillside Redevelopment District at \$869,780 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of infrastructure improvements within the Redevelopment District as defined in K.S.A. 12-1770a(q), such costs being integral to the increased development and property valuation within the District, incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part operation and maintenance expenses and other expenses relating directly to infrastructure improvements within the Redevelopment District. The increment set herein is estimated based on assessment of the value of properties as reported by the Sedgwick County Appraiser's Office.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment estimated to be produced from ad valorem taxes that are to be levied in the Central and Hillside Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

EXHIBIT “A”

DESCRIPTION OF THE CENTRAL AND HILLSIDE REDEVELOPMENT DISTRICT (TIF DISTRICT #6)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of the centerlines of Lorraine Avenue and Third Street North, thence north to a point adjacent to the northwest corner of Lot 1 in Hodson’s Second Addition on Lorraine Avenue, thence east to a point 24.44 feet south of the northwest corner of Lot 10 in Schuckman’s Addition on Hillside Avenue, thence north to the northwest corner of Lot 8 in Schuckman’s Addition on Hillside Avenue, thence east to the centerline of Hillside Avenue, thence south to the intersection of the centerlines of Hillside Avenue and Central Avenue, thence east to a point adjacent to the southwest corner of Lot 2 of the Wesley Medical Center 2nd Addition, thence generally north and east along the west and north boundary of Lot 2 of the Wesley Medical Center 2nd Addition to a point adjacent to the centerline of Rutan Avenue, thence south to the intersection of the centerlines of Rutan Avenue and Edgemont Place, thence east to the centerline of Vassar Avenue, thence south to the centerline of Central Avenue, thence west to the centerline of Rutan Avenue, thence south to a point adjacent to the southeast corner of Lot 2 on Rutan Avenue in the Floral Addition, thence west along the south line of Lot 2 on Rutan Avenue, Lots 1 and 2 on Holyoke Avenue and Lot 1 on Hillside Avenue, all in the Floral Addition, to the centerline of Hillside Avenue, thence west along the centerline of Third Street to the point of beginning.



THE CENTRAL AND HILLSIDE REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING DISTRICT #6)

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the Old Town Cinema Redevelopment District under authority of K.S.A. 12-1770 *et seq.* of the State of Kansas; and,

WHEREAS, the City has by ordinance adopted a redevelopment plan for the Old Town Cinema Redevelopment District, the District being created in 1999; and,

WHEREAS, the City found that the conditions defined in K.S.A. 12-1770a of the State of Kansas did exist and therefore the increment in ad valorem taxes for the Old Town Cinema Redevelopment District is collected on a yearly basis as defined in K.S.A. 12-1770a(x) of the State of Kansas; and,

WHEREAS, the City has by ordinance reduced the District boundaries, the District boundaries being modified in 2001; and,

WHEREAS, the boundaries of the Old Town Cinema Redevelopment District are described in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget estimating \$370,640 of increment funds in ad valorem taxes from the Old Town Cinema Redevelopment District (the current boundaries of the District are described in Exhibit "A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby estimates the increment to be collected from ad valorem taxes produced from property located within the Old Town Cinema Redevelopment District at \$370,640 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of infrastructure improvements within the Redevelopment District as defined in K.S.A. 12-1770a(q), such costs being integral to the increased development and property valuation within the District, incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to

finance in whole or in part operation and maintenance expenses and other expenses relating directly to infrastructure improvements within the Redevelopment District. The increment set herein is estimated based on assessment of the value of properties as reported by the Sedgwick County Appraiser's Office.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment estimated to be produced from ad valorem taxes that are to be levied in the Old Town Cinema Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

EXHIBIT “A”

DESCRIPTION OF THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT (TIF DISTRICT #7)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of East 3rd Street North and Washington Street, thence south along the centerline of Washington Street to the intersection of Washington Street and East 2nd Street North, thence west along the centerline of East 2nd Street North to the intersection of East 2nd Street North and Santa Fe Street, thence north along the centerline of Santa Fe Street to the intersection of Santa Fe Street and East 3rd Street North, thence east along the centerline of East 3rd Street North to the intersection of East 3rd Street North and Washington Street, being the point of beginning.

THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING DISTRICT #7)



(Published in The Wichita Eagle on _____, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FIXING GENERAL TAX LEVY FOR THE CITY OF WICHITA, KANSAS, FOR THE YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007, AND RELATING THERETO, AND CONCURRENTLY APPROVING CERTAIN AMENDMENTS TO THE 2006 ADOPTED BUDGET.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas has adopted a budget requiring \$90,546,060 in general taxes to be levied for the funds as specified below.

There is hereby levied by the City of Wichita, Kansas on all taxable tangible property in the City of Wichita, Kansas, according to the estimated assessed valuation thereof, a mill levy rate for the City of Wichita, Kansas, and said mill levy rate is subject to the actual determination of assessed valuation by the County Clerk. It is the intention of the City of Wichita to set a levy sufficient to raise the above amounts; PROVIDED, that said levy must remain within those limitations set by statute or charter ordinance.

SECTION 2. That in accordance with Section 1 hereof, there be and hereby is levied by the City of Wichita, Kansas, upon all the taxable property in the City of Wichita, Kansas, according to the assessed valuation thereof, the following amount for the use of the City of Wichita, Kansas, for the year 2007, which begins January 1, 2007, and ends December 31, 2007, for the following purposes, to wit:

CALCULATION OF TAX DOLLARS TO BE LEVIED		
	<u>City of Wichita</u>	<u>Mill Levy</u>
Assessed Valuation	\$2,838,612,382	
Taxes to be Levied:		
General Fund	62,159,930	21.898
Debt Service Fund	<u>28,386,130</u>	<u>10.000</u>
Total:	90,546,060	31.898

SECTION 3. It is hereby attested that in order to maintain the public services essential for the citizens of this city, it will be necessary to utilize property tax revenue in an amount exceeding the revenues expended in the budget year 2006. The estimated amount of increased property tax revenue is \$160,146.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the property taxes required in this ordinance to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. That the amendments to the 2006 Adopted Budget of the City of Wichita, Kansas, as proposed for consideration and noticed for public hearing concurrently with the proposed 2007 Budget, be, and the same (together with any modifications thereto as may have been made following the public hearing) hereby are, approved and adopted.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
and Director of Law

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE GILBERT AND MOSLEY SITE REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established a Redevelopment District designated as the Gilbert and Mosley Site Redevelopment District under authority of K.S.A. 1990 Supp. 12-1770 *et seq.*, and Chapter 59 of the 1991 Sessions Laws of the State of Kansas; and,

WHEREAS, the City has by ordinance passed upon a 2/3 vote adopted a redevelopment plan for the Gilbert and Mosley Site Redevelopment District, the District being created in 1991; and,

WHEREAS, the City found that the conditions set forth in Section 1(a)(2) of Chapter 59 of the 1991 Session Laws of the State of Kansas did exist and therefore the increment in ad valorem taxes for the Gilbert and Mosley Site Redevelopment District is set on a yearly basis as provided in Section 2(b) of Chapter 59 of the 1991 Session Laws of the State of Kansas; and,

WHEREAS, the boundaries of the Gilbert and Mosley Site Redevelopment District are described in "Exhibit A" attached hereto

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget requiring \$2,670,040 of increment funds in ad valorem taxes from the Gilbert and Mosley Site Redevelopment District (the current boundaries of the District are described in "Exhibit A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby sets the increment to be collected from ad valorem taxes produced from property located within the Gilbert and Mosley Site Redevelopment District at \$2,670,040 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of investigation and remediation of the contaminated condition that exists in the Gilbert and Mosley Site Redevelopment District that are anticipated to be incurred between January 1, 2007, and December 31, 2007, including principal and interest due on special obligation bonds or full faith and credit tax increment bonds issued to finance in whole or in part operation and maintenance expenses and other expenses relating directly to the investigation and remediation of

contamination. The increment set herein does not exceed twenty percent (20%) of the amount of taxes that were produced in 1991, which was the year the Gilbert and Mosley Site Redevelopment District was first established.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment to be produced from ad valorem taxes that are to be levied in the Gilbert and Mosley Site Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

BUDGET SUMMARY

The expenditures, revenues and the amount of 2007 tax to be levied (published below) establish the maximum limits of the 2007 budget for the Groundwater Contamination Project of the Gilbert and Mosley Site Redevelopment District.

<u>Gilbert and Mosley Site Redevelopment District</u>		
<u>Revenues:</u>	<u>2007 Proposed Budget</u>	<u>Amount To Be Levied</u>
Contributions - potentially responsible parties	150,000	
Interest earnings	125,000	
KDHE reimbursements	120,000	
Cost to be funded by a levy from the Gilbert and Mosley Site Redevelopment District*	<u>2,670,040</u>	<u>\$ 2,670,040</u>
Total Revenues	\$ 3,040,040	
<u>Expenditures:</u>		
Personal services	28,980	
Contractuals	485,360	
Commodities	29,260	
Capital outlay	0	
Debt service / temporary notes	1,873,690	
Environmental remediation projects	<u>4,200,000</u>	
Total Expenditures	\$ 6,617,290	

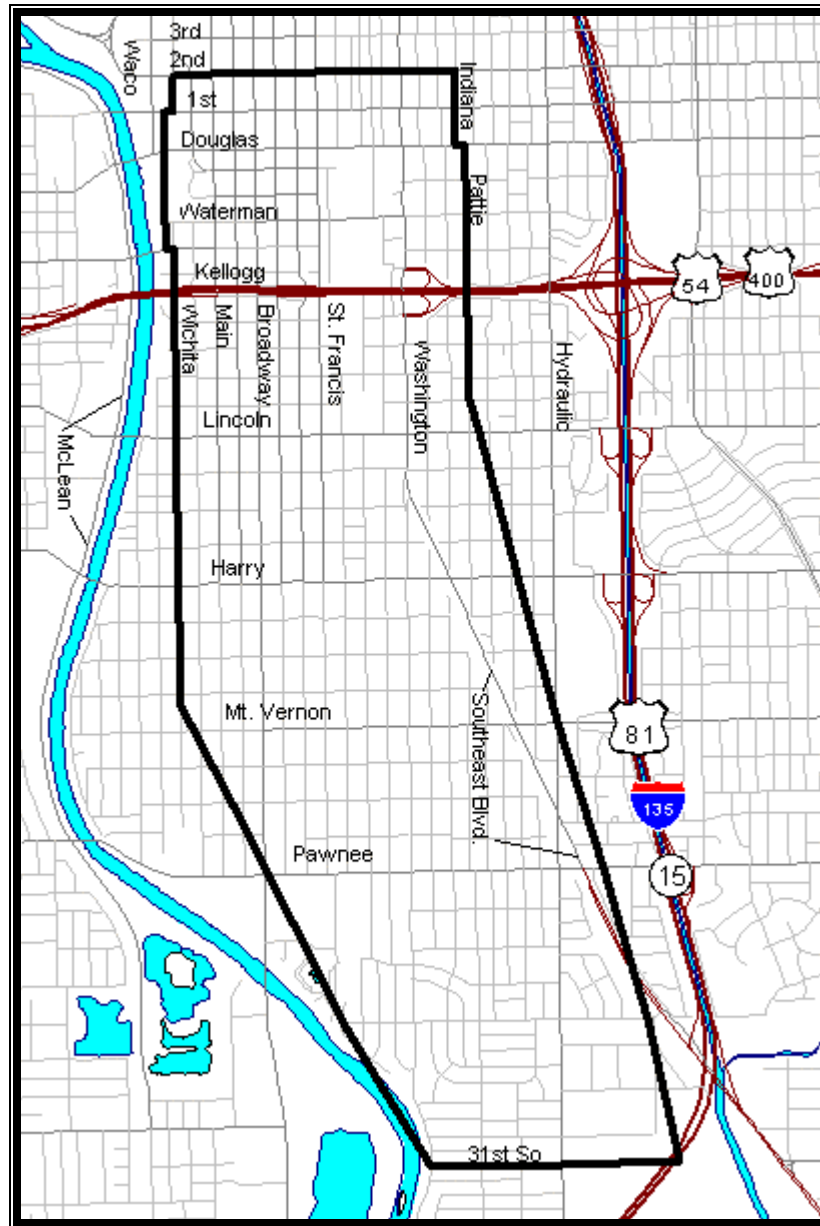
* The Gilbert and Mosley Site Redevelopment District was formed under authority of Ordinance No. 41-446 and K.S.A. 12-1770 *et seq.*

K.S.A. 12-1771a(d) provides that the real property taxes produced by the environmental increment from a redevelopment district shall be allocated and paid by the County Treasurer to the Treasurer of the City and deposited in a special separate fund of the City to pay the direct cost of investigation and remediation of contamination in the redevelopment district. K.S.A. 12-1771a(b) provides that the environmental increment is set on a yearly basis and each year's increment shall be set in an amount sufficient to pay the direct costs of investigation and remediation of the contaminated condition anticipated to be incurred that year. The mill levy rate for property located inside the Redevelopment District does not increase as a result of this levy. Therefore, an estimate of the mill levy rate is not included in this budget summary.

Karen Sublett, City Clerk

DESCRIPTION OF THE GILBERT AND MOSLEY SITE REDEVELOPMENT DISTRICT (TIF DISTRICT #1)

Within the City of Wichita, Sedgwick County, Kansas, bounded on the north by Second Street; on the west by Wichita Street from Second Street to First Street; thence west on First Street to Civic Center Place; thence south on Civic Center Place and Civic Center Place extended to Lewis and Wichita Street; thence south along Wichita Street to Skinner Street; thence southeast including part of the 1900 block of South Wichita Street, the 2000 block of South Water Street, the 2100 block of South Main Street, the 2200 block of South Market Street, the 2300, 2400 and 2500 blocks of South Santa Fe Street; from Santa Fe Street and Greenway Boulevard to 31st Street South and Washington, 31st Street South being the south boundary; thence along 31st Street South to Interstate Highway I-135; thence northwesterly along the east boundary including the 3000 and 2900 blocks of South Madison, Northern and Wassall Streets, west of Madison, Wassall west of Southeast Boulevard, 1805 Glen Oaks Drive, the 2500 block of South Southeast Drive, the 1900 block of East Pawnee, Blake Street west of Minnesota Street, Stafford Street west of Minneapolis Street, the west side of Minneapolis between Stafford Street and Hodson Street, west of Kansas Street between Hodson Street and Mt. Vernon Street, Linwood Park, west of Hydraulic Avenue from Mt Vernon Street to Funston Street, the 1600 and 1700 blocks of South Greenwood, the 1400 and 1500 blocks of South Ellis, the 1200 and 1300 blocks of South Lulu, thence beginning at the 1000 block of Pattie, north along Pattie to Douglas, thence west along Douglas to Indiana; thence north along Indiana to Second Street being the north boundary.



**THE GILBERT & MOSLEY SITE REDEVELOPMENT DISTRICT
(TAX INCREMENT FINANCING DISTRICT #1)**

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE NORTH INDUSTRIAL CORRIDOR REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has previously, by Ordinance No. 43-009, established a Redevelopment District designated as the North Industrial Corridor Redevelopment District under authority of K.S.A. 12-1770, *et seq.*; and,

WHEREAS, the City has by ordinance passed, upon a 2/3 affirmative vote of the governing body, a redevelopment plan for the North Industrial Corridor Redevelopment District, the District being created in 1996; and,

WHEREAS, the City has previously found that the conditions set forth in K.S.A. 1995 Supp. 12-1771(a)(2) did exist and therefore the increment in ad valorem taxes for the North Industrial Corridor Redevelopment District is set on a yearly basis as provided in K.S.A. 12-1771a(b); and,

WHEREAS, the boundaries of the North Industrial Corridor Redevelopment District are described in "Exhibit A" attached hereto

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City of Wichita, Kansas, has adopted a budget requiring \$1,165,300.00 of increment funds in ad valorem taxes from the North Industrial Corridor Redevelopment District (the boundaries of the District are described in "Exhibit A" attached hereto).

SECTION 2. In accordance with Section 1 hereof, the City of Wichita, Kansas, hereby sets the increment to be collected from ad valorem taxes produced from property located within the North Industrial Corridor Redevelopment District at \$1,165,300.00 for the year beginning January 1, 2007, and ending December 31, 2007.

SECTION 3. The purpose of setting this increment is to pay the direct costs of investigation and remediation of the contaminated condition that exists in the North Industrial Corridor Redevelopment District that are anticipated to be incurred between January 1, 2007, and December 31, 2007, including costs of remediation and investigation, and feasibility studies, operation and maintenance expenses and other expenses relating directly to the investigation and remediation of contamination. The increment set herein does not exceed twenty percent (20%) of the amount of taxes that were produced in 1996, which is the year in which the North Industrial Corridor Redevelopment District was first established.

SECTION 4. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the increment to be produced from ad valorem taxes that are to be levied in the North Industrial Corridor Redevelopment District to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 5. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

BUDGET SUMMARY

The expenditures, revenues and the amount of 2007 tax to be levied (published below) establish the maximum limits of the 2007 budget for the Groundwater Contamination Project of the North Industrial Corridor Redevelopment District.

North Industrial Corridor Redevelopment District		Amount To
<u>Revenues:</u>	<u>2006 Proposed Budget</u>	<u>Be Levied</u>
Contributions - potentially responsible parties	0	
Interest earnings	110,000	
Cost to be funded by a levy from the North Industrial Corridor Redevelopment District*	<u>1,165,300</u>	<u>\$ 1,165,300</u>
Total Revenues	\$1,275,300	
<u>Expenditures:</u>		
Personal services	28,980	
Contractuals	888,180	
Commodities	3,380	
Capital outlay	0	
Debt service	0	
Environmental remediation projects	<u>3,860,000</u>	
Total Expenditures	\$4,780,540	

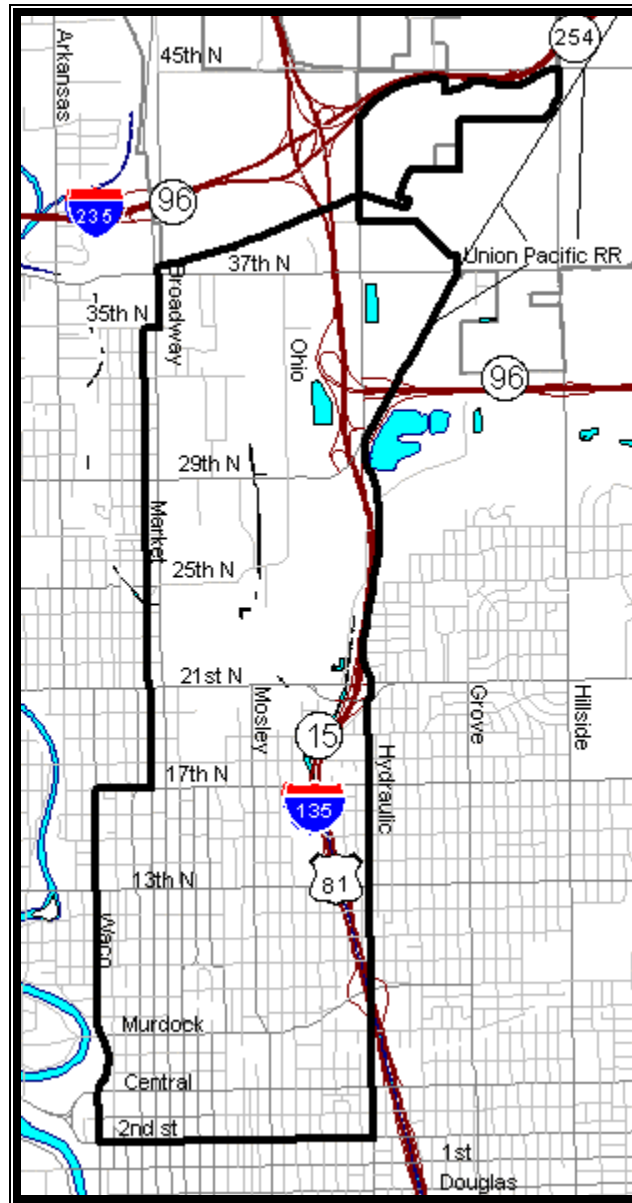
* The North Industrial Corridor Redevelopment District was formed under authority of Ordinance No. 43-009 and K.S.A. 12-1770 *et seq.*

K.S.A. 12-1771a(d) provides that the real property taxes produced by the environmental increment from a redevelopment district shall be allocated and paid by the County Treasurer to the Treasurer of the City and deposited in a special separate fund of the City to pay the direct cost of investigation and remediation of contamination in the redevelopment district. K.S.A. 12-1771a(b) provides that the environmental increment is set on a yearly basis and each year's increment shall be set in an amount sufficient to pay the direct costs of investigation and remediation of the contaminated condition anticipated to be incurred that year. The mill levy rate for property located inside the Redevelopment District does not increase as a result of this levy. Therefore, an estimate of the mill levy rate is not included in this budget summary.

Karen Sublett, City Clerk

DESCRIPTION OF THE NORTH INDUSTRIAL CORRIDOR REDEVELOPMENT DISTRICT (TIF DISTRICT #2)

Within the City of Wichita, Sedgwick County, Kansas, beginning at the intersection of 37th Street North and Broadway Avenue, thence south along the center line of Broadway Avenue to the intersection of Broadway Avenue and 35th Street North, thence west along the center line of 35th Street North to the intersection of 35th Street North and Market Street, thence south along the center line of Market Street to the intersection of Market Street and 17th Street, thence west along the center line of 17th Street to the intersection of 17th Street and Waco Avenue, thence south along the center line of Waco Avenue to the intersection of Waco Avenue and Second Street, thence east along the center line of Second Street to the intersection of Second Street and Hydraulic Avenue, thence north along the center line of Hydraulic Avenue to the point where the center line of Hydraulic Avenue intersects the east right of way of Interstate Highway I-135, thence generally north along the east right of way of Interstate Highway I-135 to the point where the east right of way of Interstate Highway I-135 intersects the west right of way of the Union Pacific Railroad, thence generally northeast along the west right of way of the Union Pacific Railroad to the center line of 37th Street North, thence generally northwest and southeast along the boundary line of the corporate limits of the City of Wichita as defined by the boundary resolution of December 19, 1995, to the center line of Hydraulic Avenue, thence north along the center line of Hydraulic Avenue to the south right of way of State Highway K-254, thence generally east along the south right of way of State Highway K-254 to the center line of Hillside Avenue, thence generally northeast and southwest along the boundary line of the corporate limits of the City of Wichita to the intersection of 37th Street North and Broadway Avenue, being the point of beginning.



**THE NORTH INDUSTRIAL CORRIDOR REDEVELOPMENT DISTRICT
(TAX INCREMENT FINANCING DISTRICT #2)**

(Published in The Wichita Eagle on August 11, 2006)

ORDINANCE NO. _____

AN ORDINANCE MAKING AND FIXING GENERAL TAX LEVY FOR THE DOWNTOWN WICHITA SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2007, AND ENDING DECEMBER 31, 2007.

WHEREAS, the City of Wichita, Kansas, has established the Downtown Wichita Self-Supported Municipal Improvement District ("District") by Ordinance No. 44-895 under the authority of K.S.A. 12-1794, et seq., effective March 24, 2001, and the governing body of the City serves as the governing body of the District; and,

WHEREAS, pursuant to K.S.A. 12-17,102, the governing body of the District is authorized to levy taxes annually within the District to carry out the purposes of the District; and

WHEREAS, the Downtown Wichita Self-Supported Municipal Improvement District Advisory Board has submitted a proposed budget to the governing body of the District as required by law;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The governing body of the Downtown Wichita Self-Supported Municipal Improvement District ("District") has adopted a budget requiring \$599,320 in general taxes to be levied for the fund of the District for the year 2007, which begins January 1, 2007, and ends December 31, 2007. The boundaries of the District are as follows:

Beginning at the east bank of the Arkansas River and the Kellogg Street Fly Over, eastward to Washington Street; North along Washington Street to Central Avenue; West along Central Avenue to its intersection with Greenway Boulevard; and along a line south through the War Memorial Park to the east bank of the Arkansas River; South along the east bank of the Arkansas River to the point of beginning at the Kellogg Street Fly Over, all in Wichita, Sedgwick County Kansas, EXCEPT AND EXCLUDING THEREFROM THE REAL PROPERTY DESCRIBED AS Lot 2, Emerson Addition to the City of Wichita, Sedgwick County, Kansas.

And as shown upon the map attached as Exhibit A and made a part of this ordinance.

SECTION 2. There is hereby levied by the governing body of the District on all taxable tangible property in the District, according to the estimated assessed valuation thereof, a mill levy rate for the District, and said mill levy rate is subject to the actual determination of assessed valuation by the County Clerk. It is the intention of the City of Wichita to set a levy sufficient to raise the above amounts; PROVIDED, that said levy must remain within those limitations set by statute or ordinance.

SECTION 3. That in accordance with Section 2 hereof, there be and hereby is levied upon all the taxable property in the District, according to the assessed valuation thereof, the following amount for the use of the District, for the year 2007, which begins January 1, 2007, and ends December 31, 2007, to wit:

CALCULATION OF TAX DOLLARS TO BE LEVIED

	<u>District</u>	<u>Mill Levy</u>
Assessed Valuation	\$100,725,836	
Taxes to be Levied:	\$599,320	5.950

SECTION 4. It is hereby attested that in order to maintain the public services essential for the District, it will be necessary to utilize property tax revenue in an amount exceeding the revenues expended in the budget year 2007. The estimated amount of the increased property tax revenue is \$10,753.

SECTION 5. That the Director of Finance of the City of Wichita, Kansas, is hereby directed to make proper certification of the property taxes required in this ordinance to the County Clerk of Sedgwick County, Kansas, in conformity with and as provided by law.

SECTION 6. This ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of August, 2006.

Carlos Mayans, Mayor

ATTEST: (SEAL)

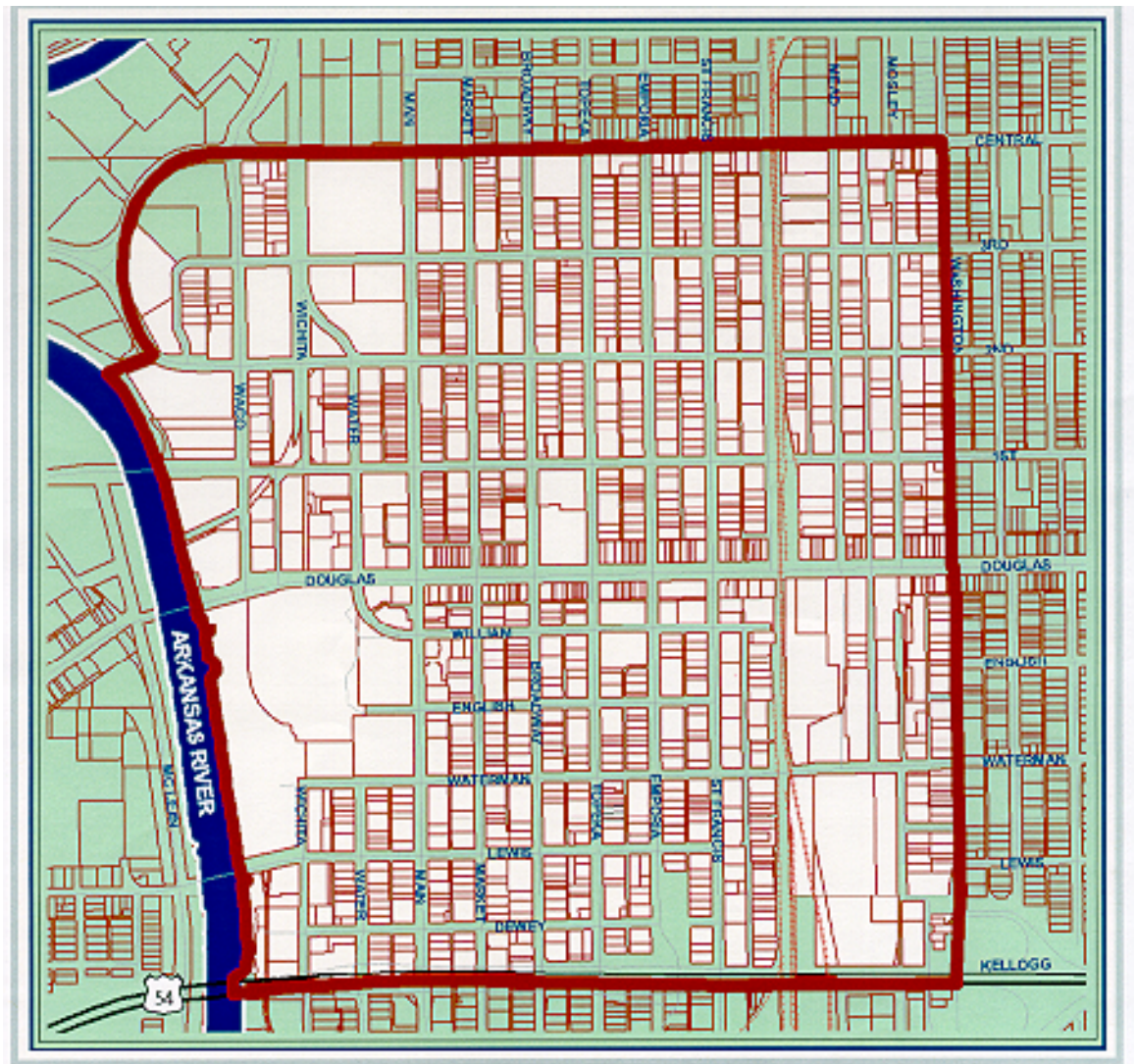
Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney
Director of Law

**DESCRIPTION OF THE DOWNTOWN SELF-
SUPPORTING
MUNICIPAL IMPROVEMENT DISTRICT (SSMID)**

Within the City of Wichita, Sedgwick County, Kansas, beginning at the east bank of the Arkansas River and the Kellogg Street Fly Over, eastward to Washington Street; north along Washington Street to Central Avenue; west along Central Avenue to its intersection with Greenway Boulevard; and along a line south through the War Memorial Park to the east bank of the Arkansas River; south along the east bank of the Arkansas River to the point of beginning at the Kellogg Street Fly Over, all in Wichita, Sedgwick County, Kansas, EXCEPT AND EXCLUDING THEREFROM THE REAL PROPERTY DESCRIBED AS Lot 2, Emerson Addition to the City of Wichita, Sedgwick County, Kansas.



**THE DOWNTOWN SELF-SUPPORTING MUNICIPAL
IMPROVEMENT DISTRICT (SSMID)**

Agenda Item No. 16

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0741

TO: Mayor and City Council

SUBJECT: Non-Potable Water Sales Agreement – Abengoa
Bioenergy of Kansas

INITIATED BY: Water & Sewer Department

AGENDA: New Business

Recommendation: Approve the Non-Potable Water Sales Agreement by and between the City of Wichita and Abengoa Bioenergy of Kansas.

Background: Staff was approached by Abengoa Bioenergy of Kansas (hereinafter Abengoa) concerning the possibility of providing water to a proposed ethanol plant in the vicinity of Colwich. To operate the plant, Abengoa will require a reliable water source capable of supplying approximately 1.7 million gallons of water daily to the facility.

Discussions between the City and Abengoa representatives regarding requirements, in terms of quantity and quality, determined that the best source would be the raw water transmission line from Cheney Reservoir. Following this determination, Staff and Abengoa officials met numerous times to draft the Agreement for service.

Analysis: Water from the Cheney non-potable water supply line to the treatment plant is the best and most economical option for supplying water to the Abengoa facility. A sixteen-inch pipeline is proposed from the raw water transmission line to the facility. This would contain 4.8 miles of pipeline and metering facilities supplying non-potable water.

Primary terms of the proposed Agreement are:

- A rate of \$.65 for each thousand gallons of water supplied to the facility with adjustments to this original base not to exceed an average of 5 percent over the term of the Agreement.
- A schedule of projected water usage with a take-or-pay requirement of 40 percent annually (Abengoa would be required to pay for at least 40 percent of the scheduled water usage on an annual basis, whether used or not.)
- A contribution of capital up front by Abengoa equal to one-half of the total required to build the proposed pipeline from the raw water supply line to the plant, provided this shall not exceed \$1.5 million.
- A twenty-year term for the Agreement with a renewal option for an additional twenty years.

Financial Considerations: The projected cost of the sixteen-inch pipeline and all appurtenances is estimated at \$3 million. Abengoa will contribute one-half of the capital to construct the facilities, up to a maximum of \$1.5 million. Wichita will pay for and bond the difference between the total project cost and the capital contribution from Abengoa.

The 40 percent take-or-pay provision assures that the principle and interest on the revenue bonds issued to fund the project will be paid from revenues from the sale of water to Abengoa. The rate charged to Abengoa includes a 7.5 percent rate of return and an administrative fee. A rate of \$.65 per thousand gallons was developed as a cost-based rate by Raftelis Financial Consultants Inc.

Goal Impact: The construction of the ethanol facility will result in improvements in the area economy, thus promoting achievement of the following goal: Provide economic vitality and affordable living. \$176,000,000 will be invested in the plant and it is projected that the metropolitan area will see benefits from construction of the facility in the following areas:

- 55 direct permanent jobs
- 155 indirect permanent jobs
- 500 construction jobs

Legal Considerations: The Agreement has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council: 1) approve the Non-Potable Water Sales Agreement; and 2) authorize the necessary signatures.

Agenda Item No. 17

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0742

TO: Mayor and City Council Members

SUBJECT: Bike Path along the west bank of the Arkansas River,
between Central and 13th (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project for bike path improvements along the west bank of the Arkansas River, between Central and 13th Street. District VI Advisory Board sponsored an April 3, 2006, neighborhood hearing on the project. The Board voted 9-1 to recommend approval of the project.

Analysis: Landscaped rest areas will be added to an existing bike path. Additional bike path will be constructed in some areas.

Financial Considerations: The budget contained in the CIP is \$414,000, with \$110,000 paid by the City and \$304,000 paid by Federal Grants administered by the Kansas Department of Transportation. The current estimated project cost is \$754,000 with \$310,000 paid by the City and \$444,000 by Federal Grants. The funding source for the City share is General Obligation Bonds. Funding for the increased City cost is available from under expenditures in the Main Street improvement, between Douglas and Murdock.

Goal Impact: This project addresses the Efficient Infrastructure and Quality of Life goals by improving a bike path in a park area adjacent to a busy traffic corridor.

Legal Considerations: The Law Department has approved the authorizing Resolution as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, approve the Resolution and authorize the signing of State/Federal agreements as required.

Agenda Item No. 18

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0736

TO: Mayor and City Council Members

SUBJECT: Park, Recreation and Open Space (PROS) Plan

INITIATED BY: Metropolitan Area Planning Department
Park and Recreation Department

AGENDA: New Business

Recommendation: Approve the initiation of the Park, Recreation and Open Space (PROS) Plan, and place the initiating ordinance on first reading.

Background The Park and Recreation Department in the past ten years had two plans that were completed. In 1996, a Park and Open Space Master Plan was completed and published. This plan represented a vision for a countywide park, open space and pathway system spanning the next 15 years to the Year 2010. The purpose of the 1996 plan was to update the 1978 Wichita Sedgwick County Park and Open Space Plan. The report's intent was to identify a strategic method for acquiring and developing public parkland in an economical and efficient manner. The Land Use/Research Division of the Metropolitan Area Planning Department and the Wichita Park and Recreation Department prepared the 1996 Park and Open Space Master Plan.

In 1999, another Parks and Recreation Facilities study was completed and the principle purpose for the study was to inventory and analyze the conditions of the major parks, evaluate the current recreation facilities, and other park amenities that were being offered at that time and to analyze those resources and compare them with citizen's priorities.

Analysis: The Park Department staff and the Park Board are working towards developing a new park open space plan that will assist staff, the Park Board, and City Council in developing a long-term park and open

space plan that reflects our citizen's priorities, goals, and commitment to our park system. The project will also involve fundraising activities for a lecture/speaker series, charettes, public input and other project expenditures not included in the RFP for this project. The City of Wichita will hire a consultant to work with City staff on a long-term plan to accomplish this project.

Financial Considerations: The Capital Improvement Plan has \$250,000 that has been specifically identified for the plan.

Legal Considerations: Because the proposed plan will be a citywide plan for guiding the course of future development of recreational facilities, rather than an identifiable "public improvement" to any specific site, it is most appropriate to invoke home rule authority, by ordinance, to initiate this project. The Law Department has reviewed the initiating ordinance and approved it as to form.

Recommendations / Actions: It is recommended that the City Council 1) authorize initiation of the project, 2) place the initiating ordinance on first reading, and 3) authorize the necessary signatures.

Attachment: Ordinance

(Published in The Wichita Eagle on _____, 2006.)

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS
AUTHORIZING THE ISSUANCE OF ITS GENERAL OBLIGATION
BONDS TO PAY THE COSTS OF PREPARATION OF A PARK,
RECREATION AND OPEN SPACE (PROS) PLAN; AND
AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
TEMPORARY IMPROVEMENT NOTES OF THE CITY FROM TIME
TO TIME AS FUNDS ARE NEEDED FOR SUCH PURPOSE.

WHEREAS, Article 12, Section 5 of the Kansas Constitution
empowers cities to determine their local affairs and government; and

WHEREAS, the City of Wichita, Kansas (the "City") desires to develop a
dynamic, long term and integrated Parks, Recreation, and Open Space
(PROS) plan to guide the development, provision, maintenance, and
funding of PROS resources within the City of Wichita and its future growth
areas; and

WHEREAS, under the authority of Article 12, Section 5 of
the Kansas Constitution, the Governing Body of the City hereby further
finds and determines that it is necessary and desirable and in the interest
and for the general economic welfare of the City and its inhabitants, that
general obligation bonds of the City in an amount not to exceed \$250,000,
exclusive of the costs of interest on borrowed money (the "Bonds") be
authorized and issued for the purpose of paying costs associated with the
preparation of a Park, Recreation and Open Space (PROS) Plan, said Bonds
to be issued in accordance with the provisions of K.S.A. 10-101 et seq., as
amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED BY THE
GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The Governing Body hereby finds and
determines that it is necessary and desirable to authorize the issuance of
general obligation bonds under the authority of Article 12, Section 5 of the
Kansas Constitution in an amount not to exceed \$250,000, exclusive of the
costs of interest on borrowed money, for the purpose of paying costs
associated with the preparation of a Park, Recreation and Open Space

(PROS) Plan (the "Project"). Such Bonds shall be sold and delivered in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

SECTION 2. It is hereby further authorized, ordered and directed that in order to temporarily finance the costs of the Project prior to the completion thereof and until issuance of the Bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), the aggregate amount of which shall not exceed the sum of \$250,000, such Notes to be issued from time to time upon subsequent ordinance of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates thereof. Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly completion of the Project. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123, as amended and supplemented, and Article 12, Section 5 of the Kansas Constitution, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123, as amended and supplemented; and said Notes may be issued in combination with any other temporary notes being issued by the City as shall be determined by the Governing Body at the time of such issuance to be in the City's best interests.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

PASSED AND APPROVED by the governing body of the City of Wichita, Kansas this ____ day of _____, 2006.

Carlos Mayans,

Mayor

Attest:

Karen Sublett, City Clerk

(Seal)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. 19

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0743

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTIONS 5.10.010 AND
5.10.035 OF THE CODE OF THE CITY OF
WICHITA, KANSAS, PERTAINING TO
ASSAULT AND BATTERY OF A LAW
ENFORCEMENT OFFICER

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinances.

Background: Currently, the City does not have code provisions relating to the crime of battery of a law enforcement officer. The amendments create a new crime to address specific situations where police officers are battered. The amendments additionally amend the language of the city's assault ordinance to bring it into compliance with the language contained in the state statute.

Analysis: The amendments will allow the prosecution of specific criminal charges for battery of a law enforcement officer. The amendments must be passed to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of the city code for these offenses.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinances and approved them as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinances.

Attachment: Ordinances.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.10.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ASSAULT; CREATING SECTION 5.10.035 PERTAINING TO BATTERY OF A LAW ENFORCEMENT OFFICER, AND REPEALING THE ORIGINAL OF SECTION 5.10.010.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.10.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Assault deemed misdemeanor. Any person who, within the corporate limits of the city, intentionally places another person in reasonable apprehension of immediate bodily harm, is guilty of a misdemeanor. No bodily contact is necessary."

SECTION 2. Section 5.10.035 of the Code of the City of Wichita, Kansas, shall read as follows:

"Battery of a Law Enforcement Officer. (a) Any person who, within the corporate limits of the city, (1) intentionally or recklessly causes bodily harm to a uniformed or property identified state, county or city law enforcement officer while such officer is engages in the performance of such officer's duty; or (2) intentionally causes physical contact with a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such office's duty, in a rude, insolent or angry manner, is guilty of a misdemeanor.

(b) Every person convicted under this section, shall be punished by fine of not more than two thousand five hundred dollars or one year imprisonment or both such fine and imprisonment; however, upon a second or a subsequent conviction, the court shall impose a mandatory minimum jail sentence of five consecutive days and no person shall be eligible for probation or parole until serving the entire minimum sentence.

(c) For the purposes of determining whether a conviction is a first, second, or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a deferred judgment agreement in lieu of

further criminal proceedings on a complaint alleging a violation of this section.

(2) "Conviction" includes being convicted of a violation of a law of this state or of another state or an ordinance of any municipality which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such a law or ordinance.

(3) Only convictions occurring on or after the date the ordinance codified in this section becomes effective shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided.

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense."

SECTION 3. The original of Section 5.10.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 20

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0744

TO: Mayor and City Council Members

SUBJECT: REPEAL SECTION 5.24.030 OF THE CODE OF
THE CITY OF WICHITA, KANSAS,
PERTAINING TO DISTURBING THE PEACE.

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: Several years ago, the Kansas Court of Appeals declared Section 5.24.030 of the city code unconstitutional. Law enforcement officers have not filed charges under this code section since the opinion was issued by the court of appeals.

Analysis: The amendment repeals the city's ordinance in compliance with the Court of Appeals decision.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 5.24.030 OF THE CODE OF
THE CITY OF WICHITA PERTAINING TO DISTURBING THE
PEACE.

BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.24.030 of the Code of the City of
Wichita, Kansas, is hereby repealed.

SECTION 2. This ordinance shall be included in the Code
of the City of Wichita, Kansas, and shall be effective upon its passage and
publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this
_____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 21

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0745

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.40.010 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO IMPERSONATING A LAW
ENFORCEMENT OFFICER

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of impersonating a law enforcement officer to a fine of not more than \$1,000 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.40.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.40.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO IMPERSONATING AN OFFICER AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.40.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Impersonating an officer. Any person who represents oneself to be a public officer or public employee or a person licensed to practice or engage in any profession or vocation for which a license is required by the laws of the State of Kansas, with knowledge that such representation is false, within the corporate limits of the city shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or one year imprisonment, or both such fine and imprisonment."

SECTION 2. The original of Section 5.40.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 22

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0746

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.42.060 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO THEFT OF LOST PROPERTY

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of theft of lost property to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.42.060 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.42.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THEFT OF LOST OR MISLAID PROPERTY AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.42.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Theft of lost or mislaid property. Any person who fails to take reasonable measures to restore lost or mislaid property to the owner when the person has obtained control of such property, who knows or learns the identity of the owner thereof, and who intends to deprive the owner permanently of the possession, use or benefit of such property, shall be deemed guilty of a misdemeanor, and any person convicted thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment."

SECTION 2. The original of Section 5.42.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 23

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0747

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.64.010 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO ESCAPING FROM CUSTODY

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of impersonating a law enforcement officer to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.64.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 5.64.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PRISONERS – ESCAPE AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.64.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Escaping from custody. Any person in the custody of any commissioned or noncommissioned police officer or of an officer of the municipal court for the violation of any provision of this code or other city ordinance for which a sentence or a fine or imprisonment or both has been imposed, or may be imposed, who escapes from the custody of such officer or who attempts by force or violence to any person to effect his escape from such custody, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two thousand five hundred dollars or by twelve months' imprisonment, or by both such fine and imprisonment.

SECTION 2. The original of Section 5.64.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Mayor

Carlos Mayans,

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 24

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0748

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.66.030 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO TRESPASS ON CITY
PROPERTY

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of trespassing to a fine of not more than \$1,000 and/or imprisonment of six months in the county jail.

Analysis: The amendments to Section 5.66.030 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.66.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO TRESPASSING UPON CITY PROPERTY, AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.66.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

" Trespassing upon city property. Any person who shall trespass upon any real property belonging to the city or who shall cut down, injure, destroy or carry away any tree placed or growing thereon or any timber being or growing on such land, or who shall dig, cut or carry away any grass, roots, fruits or plants or who shall cut down or carry away any grass, grain or corn or injure any building standing thereon or shall injure or damage any fences located thereon, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars or by imprisonment which shall not exceed six months or by both such fine and imprisonment."

SECTION 2. The original of Section 5.66.030 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 25

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0749

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.68.140, 5.68.150, 5.68.200 AND 5.68.220 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO LEWD AND LASCIVIOUS BEHAVIOR, PROMOTING OBSCENITY, SODOMY AND SEXUAL BATTERY

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinances.

Background: The Kansas Legislature increased the penalty for the crimes of lewd and lascivious behavior and sodomy to a fine of not more than \$1,000 and/or imprisonment of one year in the county jail. The criminal penalties for sexual battery were raised to a fine of \$2,500 and/or imprisonment of up to one year in the county jail.

Amendments were made to the Kansas Statutes relating to the promotion of obscenity to prohibit the promotion of obscene devices, as well as obscene materials.

Additional amendments were made to the state statutes relating to sexual battery that sexual battery of a person less than sixteen years of age is considered to be a felony.

Analysis: The amendments to Sections 5.68.140, 5.68.150, 5.68.200 and 5.68.220 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinances and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance

Fist Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.68.140, 5.68.200 AND 5.68.220 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO LEWD AND LASCIVIOUS BEHAVIOR, SODOMY AND SEXUAL BATTERY AND REPEALING THE ORIGINALS OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.68.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Lewd and lascivious behavior is: (a) Publicly engaging in otherwise lawful sexual intercourse or sodomy with any person or animal with knowledge or reasonable anticipation that the participants are being viewed by others; or

(b) Publicly exposing a sex organ or exposing a sex organ in the presence of a person who is not the spouse of the offender and who has not consented thereto, with intent to arouse or gratify the sexual desires of the offender or another.

Any person committing lewd and lascivious behavior shall be deemed guilty of a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than five hundred dollars or six months; imprisonment, or both such fine and imprisonment.”

SECTION 2. Section 5.68.200 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Sodomy. Any person who commits sodomy is guilty of a misdemeanor.

(a) For purposes of this section, 'sodomy' is oral or anal copulation between persons who are sixteen or more years of age and members of the same sex, or between a person and an animal, or coitus with an animal. Any penetration, however slight, is sufficient to complete the crime of sodomy.

(b) Every person convicted under this section shall be punished by a fine of not more than five hundred dollars, or by confinement for a period of six months, or by both such fine and imprisonment."

SECTION 3. Section 5.68.220 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Sexual battery. (1) Sexual battery is the unlawful, intentional touching of the person of another who is sixteen or more years of age, who is not the spouse of the offender and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.

(2) Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than two thousand five hundred dollars or twelve months imprisonment or by both such fine and imprisonment.

SECTION 4. The originals of Sections 5.68.140, 5.68.200 and 5.68.220 and of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 5. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. 26

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0750

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.72.010 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO OBSTRUCTION OF LEGAL
PROCESS

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of obstruction of legal process to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.72.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.72.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO OBSTRUCTING LEGAL PROCESS OR OFFICIAL DUTY AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.72.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Obstructing legal process or official duty.

(a) Resisting Police Officers. It is unlawful for any person to resist or oppose any police officer in the discharge of any official duty.

(b) Obstructing Legal Process of Official Duty. Obstructing legal process or duty is knowingly and willfully obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

(c) Violation--Penalty. Any person violating any provision of this section of the code is guilty of a misdemeanor and shall be punished by a fine of not more than two thousand five hundred dollars and/or an imprisonment of not more than one year and/or both such fine and imprisonment."

SECTION 2. The original of Section 5.72.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 27

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0751

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.82.010 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO INTERFERE WITH
TELEPHONE SERVICE

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of interference with a telephone to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.82.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.82.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO TELEPHONE SERVICE--INTERFERING WITH AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 5.82.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

" Telephone service--Interfering with. (1) It is unlawful for any person to use, cause to be used, or knowingly permit another to use, any telephone instrument, telephone equipment or telephone facilities for any of the following purposes:

(a) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent; or
(b) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or

(c) Making or causing the telephone of another repeatedly to ring; with intent to harass any person at the called number; or

(d) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

(e) Playing any recording on a telephone, except recordings such as weather information or sports information when the number thereof is dialed unless the person or group playing the recording shall identify itself or himself or herself and state that it is a recording; or

(f) Impairing, injuring or damaging the business of any person at the number called.

(2) Any person who shall commit an act prohibited by subsection (1) of this section shall be punished by a fine of not more than two thousand five hundred dollars or by one year imprisonment, or by both such fine and imprisonment."

SECTION 2. The original of Section 5.82.010 and of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:
Karen Sublett, City Clerk

Approved as to Form:
Gary E. Rebenstorf
Director of Law

Agenda Item No. 28

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0752

TO: Mayor and City Council Members

SUBJECT: AMENDMENTS TO SECTION 5.83.010 OF THE
CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO UNLAWFUL RESTRAINT

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Approve the ordinance.

Background: The Kansas Legislature increased the penalty for the crime of unlawful restraint to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

Analysis: The amendments to Section 5.83.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Financial Considerations: None.

Goal Impact: Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

Legal Considerations: The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Recommendation/ Actions: It is recommended that the City Council approve first reading of the ordinance.

Attachment: Ordinance.

First Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.83.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL RESTRAINT AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.83.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

" Unlawful restraint. (1) Unlawful restraint is knowingly and without legal authority restraining another so as to interfere substantially with his or her liberty.

(2) This section shall not apply to acts done in the performance of duty by any law enforcement officer of the state of Kansas or any political subdivision thereof.

(3) Any merchant, or his or her agent or employee, who has probable cause to believe that a person has actual possession of and (a) has wrongfully taken, or (b) is about to wrongfully take merchandise from a mercantile establishment, may detain such person (a) on the premises or (b) in the immediate vicinity thereof, in a reasonable manner and for a reasonable period of time for the purpose of investigating the circumstances of such possession. Such reasonable detention shall not constitute an arrest nor an unlawful restraint.

Any person who commits unlawful restraint within the corporate limits of the city of Wichita shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two thousand five hundred dollars or imprisonment which shall not exceed one year, or by both such fine and imprisonment."

SECTION 2. The original of Section 5.83.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2006.

Carlos Mayans, Mayor

ATTEST:
Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 29

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0753

TO: Mayor and City Council

SUBJECT: CUP2006-24 Associated with ZON2006-25 – Create DP-299 Northgate Commercial Park Community Unit Plan; zone change to “LC” Limited Commercial. Generally located northeast of the intersection of Meridian and 53rd Street North. (District VI)

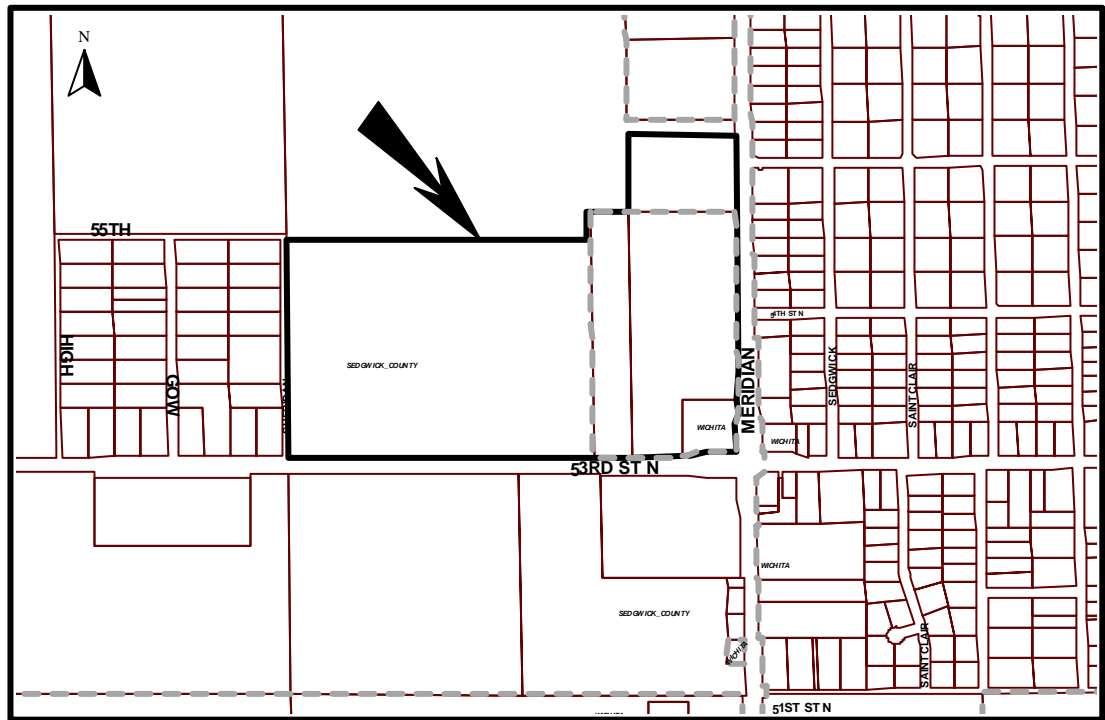
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to conditions (10-1).
`

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Deny (5-3-1).



Background: The applicant proposes to create a commercial Community Unit Plan (CUP) containing approximately 79.60 net acres located north and west of the intersection of Meridian and 53rd Street North. As part of the application, a zone change from “SF-20” Single-family Residential to “LC” Limited Commercial on approximately 77.4 acres is also requested. A 2.2-acre tract located nearest the intersection is already zoned “LC” and was platted in 1983 as the Maize State Bank Addition.

The site includes 27 acres that was previously denied a similar application by the City Council in 2005. The “Unified Zoning Code” prohibits the re-filing of a similar application within one year unless there has been some change in the code, change in the application area or if the application is significantly different from the original request. The Metropolitan Area Planning Commission (MAPC) reviewed the current application, and determined that this request is significantly different from the previous request.

The proposed CUP would allow most uses permitted by-right in the “LC” district. Parcels 1, 2 and 3 contain 25.88 acres. Proposed prohibited uses for Parcels 1, 2 and 3 are: night club in the city, sexually oriented business, correctional placement residences, safety service, pawn shop, agricultural

sales and service, commercial wireless communication facility, theatre and tavern and drinking establishment. Parcel 1 is 23.04 acres in size while Parcels 2 and 3 are 1.42 acres apiece. These three parcels would allow a total of 338,151 square feet of maximum gross floor area. Specific signage is proposed for these three parcels: Parcel 1 - Three ground signs are permitted, two of which are monument style, up to 30 feet in height and up to 148.33 square feet each. A TLE sign is also permitted, not exceeding 20 feet in height and 32 square feet in size. Building signage of up to 666.24 square feet is proposed. Parcel 2 and 3 signage is not to exceed 20 feet in height and 150 square feet in area, subject to the City's sign code. All ground signage is to be spaced 150 feet apart. Three access points from Meridian and one from 53rd Street are proposed to Parcel 1. Parcels 2 and 3 would each have one access point from 53rd Street.

Proposed prohibited uses for Parcels 4-15 include: adult entertainment establishments, The applicant proposes to create a commercial Community Unit Plan (CUP) containing approximately 79.60 net acres located north and west of the intersection of Meridian and 53rd Street North. As part of the application, a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on approximately 77.4 acres is also requested. A 2.2-acre tract located nearest the intersection is already zoned "LC" and was platted in 1983 as the Maize State Bank Addition.

The site includes 27 acres that was previously denied a similar application by the City Council in 2005. The "Unified Zoning Code" prohibits the re-filing of a similar application within one year unless there has been some change in the code, change in the application area or if the application is significantly different from the original request. The Metropolitan Area Planning Commission (MAPC) reviewed the current application, and determined that this request is significantly different from the previous request.

The proposed CUP would allow most uses permitted by-right in the "LC" district. Parcels 1, 2 and 3 contain 25.88 acres. Proposed prohibited uses for Parcels 1, 2 and 3 are: night club in the city, sexually oriented business, correctional placement residences, safety service, pawn shop, agricultural sales and service, commercial wireless communication facility, theatre and tavern and drinking establishment. Parcel 1 is 23.04 acres in size while Parcels 2 and 3 are 1.42 acres apiece. These three parcels would allow a total of 338,151 square feet of maximum gross floor area. Specific signage is proposed for these three parcels: Parcel 1 - Three ground signs are permitted, two of which are monument style, up to 30 feet in height and up to 148.33 square feet each. A TLE sign is also permitted, not exceeding 20

feet in height and 32 square feet in size. Building signage of up to 666.24 square feet is proposed. Parcel 2 and 3 signage is not to exceed 20 feet in height and 150 square feet in area, subject to the City's sign code. All ground signage is to be spaced 150 feet apart. Three access points from Meridian and one from 53rd Street are proposed to Parcel 1. Parcels 2 and 3 would each have one access point from 53rd Street.

Analysis: A neighborhood meeting was held at the Law Enforcement Training Center. Over 300 people attended. The applicants provided an overview of their proposal, and citizens were given an opportunity to ask questions and make comments. Comments supporting and opposing the request were made. In general, those in opposition questioned the scale of the project as being too large; the impact traffic would have on existing residential areas; big box uses would drive out locally owned businesses and concern regarding drainage and groundwater pollution. Comments in favor of the project noted that the area did not have any nearby shopping areas that offered a variety of uses like the one proposed, and it would provide jobs.

At the District VI Advisory Board meeting held June 5, 2006, the board voted (5-3-1) to deny the request based upon traffic and environmental concerns. Five citizens spoke in opposition. See the attached memorandum detailing comments made at the DAB VI meeting. One of the issues affecting how one DAB member voted dealt with traffic improvements, particularly the number of access points. The applicants agreed to meet with the DAB member and discuss his traffic concerns.

At the MAPC meeting held June 15, 2006, they voted (10-1) to approve the request subject to staff's findings and recommendations. Three citizens were present to speak on the proposal. Two citizens spoke in opposition citing drainage, scale of the project, traffic and lighting concerns. During the meeting the applicant offered to install raised medial(s) in the middle of 53rd Street instead of having the ones that can be driven over, and when traffic is warranted, R & R Reality will pay for a traffic signal at Keywest and Meridian. These proposals were aimed at addressing the DAB member's traffic concerns. The MAPC recommendation did not include these requirements. If it is the Council's desire to approve this request, and to include these two requirements as one of the conditions of approval, the Council will need to add them to the conditions of approval.

The department has not received any formal protest letters.

The MAPC recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-25) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-299), subject to the following conditions:
 - a. Guarantee signalization at the 54th Street and Meridian intersection.
 - b. Guarantee a southbound right-turn lane and a fifth lane on Meridian from 54th to 53rd to allow left-turns.
 - c. Guarantee the relocation of the existing signal to accommodate street improvements at the 53rd and Meridian intersection.
 - d. Dedicate additional right-of-way along 53rd Street sufficient to meet the 60-foot half-street standard.
 - e. Guarantee future signalization at major openings on 53rd Street when warrants are met.
 - f. Guarantee a fifth lane along 53rd Street from driveway opening number three east to Meridian.
 - g. Guarantee dual left-turn lanes on the west and south legs of the intersection of 53rd and Meridian, and provide separate right-turn lanes on all approaches.
 - h. Provide cross lot circulation between all abutting parcels except Parcels 1, 13 and 14, and connect individual parcels to internal circulation drives.
 - i. The site shall be developed in substantial conformance to the approved community unit plan's site plan, general provisions and individual parcel standards.
 - j. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - k. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - l. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds. Failure to complete the plat within one year after approval by the governing body will result in the case being denied and closed, unless a platting extension has been granted.

m. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-299) includes special conditions for development on this property.

n. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

o. Delete reference to “group homes” in general provisions for lots 4-15, item 18, and add the word “plant” after “asphalt/concrete”. On item 13 A. the reference to “south” should be “north.”

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Affordable Living.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or

2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Agenda Item No. 30

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No.06-0754

TO: Mayor and City Council Members

SUBJECT: SUB 2006-48 -- Plat of Slate Creek Addition,
Located on the Northwest Corner of 21st Street
North and Hoover Road. (District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This unplatted site, consisting of one lot on 2.49 acres, is located within Wichita's city limits. This site is zoned LC, Limited Commercial District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer and water improvements.

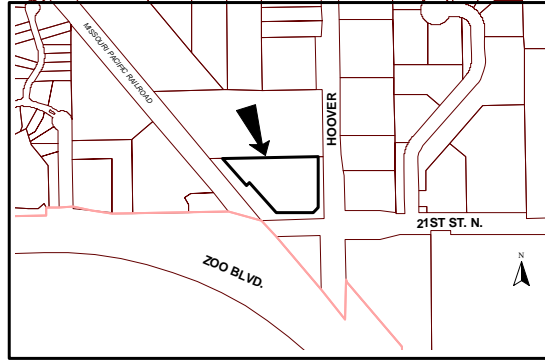
This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the document and plat, authorize the necessary signatures and adopt the Resolutions.



Agenda Item No. 31
Revised – Change to Non-Consent
July 14, 2006

Agenda Item No.06-0755

City of Wichita
City Council Meeting
July 18, 2006

TO: Wichita Airport Authority

SUBJECT: Terminal Area Redevelopment Program
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority

Recommendation: Approve the contract and capital project budget.

Background: On August 13, 2002 the Wichita Airport Authority approved a study of the terminal area at Mid-Continent Airport. That study, conducted by consulting firm HNTB, was presented to the Wichita Airport Authority on October 12, 2004 and it recommended the construction of a new passenger terminal building. The Wichita Airport Authority voted 7-0 to support the study recommendations. This contract initiates the architectural design and engineering services to prepare plans and specifications for the new terminal.

Analysis: The Terminal Area Redevelopment Program is identified in the Airport Capital Improvement Program (CIP). Consistent with Federal Aviation Administration (FAA) regulations, a design contract which includes a scope of services for design, bid and construction administration has been identified; fees have been negotiated and a contract developed. As per the FAA regulations, an independent cost assessment was conducted to confirm that the negotiated fees are reasonable. DMJM Aviation, Program Manager for the Terminal Area Redevelopment Program, assisted the Airport in the negotiation of this design contract.

Financial Considerations: The HNTB contract amount of \$12,660,000 will be funded initially with General Obligation Notes paid for with airport revenue. Once

the design is complete and the FAA reviews the entire project for the eligibility percentages, a grant application will be submitted to retroactively fund the eligible portion of this contract. Passenger Facility Charges will also be an ultimate funding source. The current project budget of \$4,804,572 was established last year by the Airport Authority to cover preliminary contracts for program management, environmental assessments, control tower shadow studies, and independent cost estimating services. Therefore, an additional \$12,660,000 is requested at this time to proceed with the design phase of the project under the HNTB contract. This will create a total capital budget of \$17,464,572 for this project to date.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through the Terminal Area Redevelopment Program.

Legal Considerations: The Law Department has approved the contract and the Authorizing Resolution as to legal form. The FAA is reviewing the contract to assure Federal procurement and contract conditions have been met.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract and capital project budget, adopt the resolution, and authorize necessary signatures contingent on FAA approval.

(Published in the Wichita Eagle on _____, _____.)

RESOLUTION NO. _____

AN RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF CERTAIN PROGRAM MANAGEMENT SERVICES TO BE PROVIDED IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF A NEW TERMINAL FOR THE WICHITA MID-CONTINENT AIRPORT; PROVIDING AN ESTIMATE OF THE COSTS OF SUCH SERVICES; AND PROVIDING THAT ALL OR A PORTION OF THE COSTS OF SUCH SERVICES SHALL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain program management services to be provided in connection with the design and construction of certain capital improvements, specifically,

Terminal Area Program – Design Phase
to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas.

SECTION 2. That the cost of the above described services is estimated to be Seventeen Million Four Hundred Sixty Four Thousand Five Hundred Seventy Two Dollars (\$17,464,572), exclusive of the cost of interest on borrowed money, paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost, shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas.

SECTION 3. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, _____.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

Agenda Item No. 32

This Item was pulled from the Agenda

Agenda Item No. 33

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0757

TO: Wichita Airport Authority

SUBJECT: Pavement Condition Inventory
Wichita Mid-Continent and Colonel James Jabara Airports

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the grant application.

Background: A Federal Aviation Administration (FAA) grant assurance that allows the Wichita Airport Authority to receive grant funds requires periodic pavement condition inventories of Mid-Continent and Colonel James Jabara Airport as a part of the airport's overall pavement maintenance management program.

Analysis: Funds are now available, and staff has prepared a grant application to submit to the FAA.

Financial Considerations: A grant application has been prepared in the amount of \$141,166.29 for this purpose. The Airport's matching portion of five percent will be funded with Airport Passenger Facility Charges and General Obligation Bonds paid for with airport revenue.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of grant funding.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the grant application and receipt of funds, and authorize the necessary signatures for the documents related to the grant.

Attachments: Twelve (12) distribution copies of the grant application.

Agenda Item No. 34

City of Wichita
City Council Meeting
July 18, 2006

Agenda Report No. 06-0758

TO: Wichita Airport Authority

SUBJECT: Colonel James Jabara and Mid-Continent Airports
Pavement Condition Inventories

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the capital project budget and contract.

Background: The pavement condition inventories are included in the Capital Improvement Program.

Analysis: In order to comply with Federal Aviation Administration (FAA) grant assurances, it is necessary to conduct periodic airfield pavement condition inventories.

The Staff Screening and Selection Committee interviewed four firms and selected Applied Pavement Technology, Inc. to provide the professional services.

Financial Considerations: The contract amount for professional services with Applied Pavement Technology, Inc. is \$134,166.29. The total project cost is estimated to be \$150,000.00. Funding is expected to be from AIP Federal Grant funds and General Obligation bonds paid for with Airport Revenue.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of grant funding.

Legal Considerations: The Law Department has approved the contract as to form and the Authorizing Resolution as to legal form.

Recommendations/Actions: It is recommended the Wichita Airport Authority approve the contract, adopt the resolution, approve the capital budget, and authorize necessary signatures contingent on FAA approval.

Attachments: Resolution

(Published in the Wichita Eagle on _____, _____.)
RESOLUTION NO. _____

AN RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AND COLONEL JAMES JABARA AIRPORT FACILITIES; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements, specifically, Pavement Condition Inventories to the Wichita Mid-Continent and Colonel James Jabara Airport facilities operated by the Wichita Airport Authority of the City of Wichita, Kansas.

SECTION 2. That the cost of the above described improvements is estimated to be One Hundred and Fifty Thousand Dollars (\$150,000), exclusive of the cost of interest on borrowed money, paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost, shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas.

SECTION 3. That the above described improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, _____.

CARLOS MAYANS, MAYOR

ATTEST:
KAREN SUBLETT, CITY CLERK
(SEAL)

APPROVED AS TO FORM:
GARY REBENSTORF, DIRECTOR OF LAW

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